

TOP SECRET

10 MAY 1974

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AIDE-MEMOIRE

Muskie Amendment Concerning Role of Ambassadors Abroad

I. Status

Attached is a copy of the Muskie amendment concerning the role of the Ambassador abroad. According to our most recent information, the amendment has been incorporated into the State Authorization bill by the Senate Foreign Relations Committee and the bill is on Senator Sparkman's desk preparatory to being reported to the Senate.

✓ We also understand that the amendment has been modified to recognize that the Ambassador's responsibility falls "under the President." This modification may give ~~sufficient~~ wiggle room for a classified instruction to Ambassadors along the lines that now exist in connection with the President's 9 December 1969 letter concerning ambassadorial authority and responsibilities.

II. Analysis

It is being argued that the proposal merely parallels the substance of the President's 9 December 1969 letter (attached). Fundamental differences do exist, however.

A. A Presidential letter, if proved to be unworkable, is easily modified. The proposal, if enacted, imposes binding conditions which can be changed only by another enactment.

B. The 9 December 1969 Presidential letter is written in general terms ("... exercise . . . policy leadership and guidance . . . positive program direction to the end that all United States activities . . . are relevant to current realities . . . and are effectively interrelated. . . .") providing room for the more specific classified instructions relating to CIA (17 December 1969 Department of State Airgram, attached). The amount of wiggle room under the proposed legislation would be heavily dependent upon the interpretation of the words "under the President."

This document may be
downgraded to Unclassified when

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C. The proposal would require all agencies to keep the Ambassador fully and currently informed with respect to all activities and operations of its officers and employees in that country. This compares to existing instructions that the Ambassador not normally be cognizant of CIA operational details and communications.

D. The legislation imposes the responsibility of direction of all activities whereas the existing instructions concerning CIA merely requires sufficient information as to enable the Ambassador to make a judgment on any political risks.

III. Other Problems Include

A. Having posited full responsibility for "direction" of all activities including intelligence in our Ambassadors we would have taken a long step in conceding that legislative oversight of foreign intelligence activities indeed reposes with the Senate Foreign Relations Committee and the House Foreign Affairs Committee rather than the Armed Services Committees.

B. With a responsibility to be informed and direction to intelligence agencies to keep him informed, it would be difficult for the Ambassador to distance himself from intelligence activities which may be compromised.

C. Moreover, the responsible oversight committees (Senate Foreign Relations and House Foreign Affairs Committees) would be entitled to either:

1. a full explanation why the Ambassador was not informed, if he wasn't, with the consequence that the Agency is violating the law of the land; or,

2. the information given to the Ambassador to determine if he acted in consonance with foreign policies formulated by the Congress.

D. The proposal is entirely unconstitutional to the extent that it would require this or any other agency to inform an Ambassador of undertakings which the President wished to conduct through other channels without the Ambassador's knowledge.

Atts.

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U N C L A S S I F I E D

STATINT

93D CONGRESS
2D SESSION

S. 3117

IN THE SENATE OF THE UNITED STATES

MARCH 28, 1974

Referred to the Committee on Foreign Relations and ordered to be printed

AMENDMENT

Intended to be proposed by Mr. MUSKIE to S. 3117, a bill to authorize appropriations for the Department of State, and for other purposes, viz: At the end of the bill, add the following new section:

AUTHORITY OF AMBASSADORS

Sec. 7. The Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended, is further amended by adding at the end thereof the following new section:

Sec. 16. (a) The United States Ambassador to a foreign country shall have full responsibility for the direction,

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ment officers and employees in that country, except for per-

1 personnel under the command of a United States area military
2 commander.

3 "(b) The Ambassador shall keep himself fully and cur-
4 rently informed with respect to all activities and operations
5 of the United States Government within that country. He
6 shall insure that all Government officers and employees in
7 that country, except for personnel under the command of a
8 United States area military commander, comply fully with
9 his directives.

10 "(c) Any department or agency having officers or em-
11 ployees in a country shall keep the United States Ambassa-
12 dor to that country fully and currently informed with respect
13 to all activities and operations of its officers and employees in
14 that country. The department or agency shall also insure that
15 all of its officers and employees, except for personnel under
16 the command of a United States area military commander,
17 comply fully with all applicable directives of the Ambas-
18 sador."

Amdt. No. 1117

93d CONGRESS
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S. 3117

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A TAKE-CHARGE DIRECTIVE

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President Nixon Delineates Role of Ambassadors

President Nixon has written a letter to all American Ambassadors describing the responsibilities he expects them to assume.

The President's letter, dated December 9, reiterates for his Administration the take-charge authority of Ambassadors in their countries of assignment.

The text of the President's message follows:

Dear Mr. Ambassador:

Your mission as American Ambassador to (country of assignment) is of the utmost significance to our country and to me personally. I wish you every success in this endeavor.

I attach the greatest importance to my Constitutional responsibilities for the conduct of our relations with other countries. As the personal representative of the President of the United States, you share these responsibilities in the country to which you are accredited.

You will, of course, report to me through and normally receive your instructions from the Secretary of State who has responsibility not only for the activities of the Department of State but also for the overall direction, coordination and supervision of the United States Government activities overseas.

I believe that all possible measures should be taken to improve and tighten the processes of foreign policy implementation abroad. I know I can count on your full support in directing the activities of all elements of the United States Mission to achieve this objective. To assure you and all concerned that you have my full personal backing, I want to make the following comments on your own authority and responsibilities.

As Chief of the United States Diplomatic Mission, you have full responsibility to direct and coordinate the activities and operations of all of its elements. You will exercise this mandate not only by providing policy leadership and guidance, but also by assuring positive program direction to the end that all United States activities in (the host country) are relevant to current realities, are efficiently and

istered, and are effectively interrelated so that they will make a maximum contribution to United States interests in that country as well as to our regional and international objectives.

I am concerned that the size of our representation abroad be related to a stringent appraisal of policy and program requirements and that the number of personnel of all agencies be kept at the very minimum necessary to meet our objectives. I shall expect you to maintain a continuing personal concern on this matter and to inform the Secretary of State when you believe that the staff of any agency or program is excessive.

I shall expect you to assure the highest standards of personal conduct by all United States personnel, civilian or military; you have authority to take any corrective action which in your judgment is necessary.

You have, of course, the right to be kept informed, to the extent you deem necessary, of all the information or recommendations reported by any element of the Mission. The Secretary of State and I have made it clear that we will welcome the opportunity to consider alternative policies and courses of actions before making final decisions. When you or other members of your Mission believe such alternatives merit consideration, we encourage your putting them for-

ward along with your own recommendations.

I will reserve for myself, as Commander-in-Chief, direct authority over the military chain of command to United States military forces under the command of a United States area military commander, and over such other military activities as I elect, as Commander-in-Chief, to conduct through military channels.

However, I will expect you and the military commanders concerned to maintain close relations with each other, to keep each other currently informed on matters of mutual interest and in general to cooperate in carrying out our national policy. If differences of view not capable of resolution in the field should arise, I will expect you to keep me informed through the Secretary of State.

I deeply believe, as I said in my Inaugural Address, that forces now are converging that may make possible the realization of many of man's deepest aspirations. If "the times are on the side of peace," I also deeply believe that you, and the dedicated personnel of the Foreign Service and the other departments and agencies who comprise the staff of your Mission, will insure that we take maximum advantage of the opportunities that are so clearly before us.

With my best wishes,

Sincerely,

Richard Nixon



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SUBJECT: (Optional)

FROM:	EXTENSION		NO.
TO: (Officer designation, room number, and building)	DATE		OFFICER'S INITIALS
	RECEIVED	FORWARDED	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
1. Director	5/14		Attached is an aide-memoire on the Muskie amendment for your use in discussions with General Scowcroft or others. We still do not have the exact language approved by the committee in our hands because of a delay in the printing of the report and bill.
2.			
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George L. Cary
Legislative Counsel

Atts

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Source	OLC	CIA Control No.
Doc. No.	Aide-Memoire	TS 202184
Doc. Date	10 May 74	Date Document Received
Copy No.	Muskie Amendment Concerning Role of Ambassadors Abroad	Logged By
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Number of Attachments	3	

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TS 202184

10 May 1974

Aide-Memoire re: Muskie Amendment Concerning
Role of Ambassadors Abroad

Attached to letter from W. E. Colby, Director, to
Major General Brent Scowcroft, USAF, Deputy
Assistant to the President for National Security
Affairs, The White House, Washington, D. C.,
dated 14 May 1974.

Filed in legislation file: S. 3473, State and USIA
Authorization 1975

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Next 1 Page(s) In Document Exempt

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TS (unnumbered)

17 December 1969

Department of State Airgram, CA-6693
re President's letter of December 9, 1969, setting
out the authority and responsibilities of the
American Ambassador. Attached to Aide-Memoire
re Role of Ambassadors (TS 202184)

Filed in Legislation File: S. 3473, State and
USIA Authorization 1975

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